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 and CPS Construction Security Plus, Inc.

UNITED STATES DISTRICT COURT
 DISTRICT OF NEVADA

DENNIS TALLMAN, Individually and on behalf of)	CASE NO. 2:09-cv-00944-PMP-PAL
others similarly situated,)	
)	
Plaintiffs,)	<u>STIPULATION AND JOINT</u>
vs.)	<u>MOTION TO APPROVE</u>
)	<u>SETTLEMENT AGREEMENT</u>
CPS SECURITY (USA), INC., CPS)	
CONSTRUCTION SECURITY PLUS, INC., and)	<u>EXPEDITED REVIEW</u>
JOHN DOES I through XXX, actual names and)	<u>REQUESTED</u>
number unknown,)	
)	
Defendants.)	

By and through their undersigned counsel, as set forth below, Plaintiffs and Defendants hereby stipulate and jointly move for approval of the parties' settlement, and state the following in support thereof:

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1 1. Plaintiffs allege that Defendants violated the Fair Labor Standards Act, as amended,
2 29 U.S.C. §§ 201-206 ("FLSA"), by improperly compensating Plaintiffs during their employment.

3 2. Defendants deny the Plaintiffs' allegations and maintain that Plaintiffs were correctly
4 paid.

5 3. Other than named Plaintiff Tallman, the following persons filed Consents to join this
6 action: Paul Dreiblatt, Donald Mika, Michael Minor, William Monks, Clifford Nagy, Rafael Vera and
7 John Whittington. In March, 2012, Plaintiffs Minor and Monks settled their claims during a
8 Mandatory Settlement Conference. The federal court entered an order approving that settlement and
9 granting the Parties' Joint Motion to Dismiss the Claims of Minor and Monks on October 15, 2012.
10 (Docket No. 174).

11 4. To avoid the costs and the uncertainty of litigation, the parties have negotiated a
12 settlement of the FLSA claims by the remaining parties in this matter, except for the Plaintiffs' claims
13 for attorney's fees and costs. Agreements executed by all of the remaining Plaintiffs are attached
14 hereto as **Exhibit 1**.

15 5. It is defendants' belief that pursuant to 29 C.F.R. § 825.220(d) and Lynn's Food Stores,
16 Inc. v. United Sates, 679 F.2d 1350 (11th Cir. 1982), when a plaintiff brings a private action for back
17 wages under 29. U.S.C. § 216(b), the parties must present any resolution of the action to the Court for
18 approval. Accordingly, the parties request the Court schedule inspection of the Agreements for each
19 Plaintiff, as set forth in **Exhibit 1**, in order to review the terms of the proposed settlement to which the
20 parties have agreed.

21 6. The parties stipulate that the settlement represents a fair and reasonable resolution of
22 Plaintiffs' claims against Defendants and advances judicial economy.

23 7. The parties have agreed that the settlement is effective only if the court approves the
24 settlement as to all Plaintiffs.

25 8. The court shall retain jurisdiction to determine whether Defendants have complied with
26 the monetary payment provisions of **Exhibit 1** and for post-settlement motions referenced therein,
27 including Plaintiffs' motion for attorney's fees and costs and Defendants' re-submission of their
28 motion for sanctions.

9. Once the settlement has been approved by this Court, the parties shall have sixty (60) days within which to file the post-settlement motions referenced therein, including Plaintiffs' motion for attorney's fees and costs and Defendants' resubmission of their motion for sanctions.

10. WHEREFORE, the parties respectfully request that the Court approve the proposed settlement agreements as set forth in **Exhibit 1**.

DATED: August 13, 2013

DATED: August 13, 2013

Leon Greenberg Professional Corp.

KAMER ZUCKER ABBOTT

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ORDER

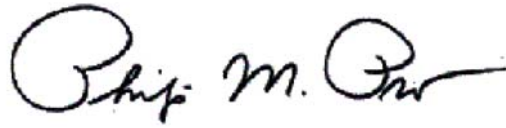
The Court, having reviewed the submissions of the parties, hereby finds that the settlement reached between them represents a fair and reasonable resolution of Plaintiffs' Fair Labor Standards Act claims against Defendants and advances judicial economy.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the settlement in the above-referenced action represents a fair and reasonable resolution of Plaintiffs' Fair Labor Standards Act claims against Defendants, and the settlement is hereby approved.

IT IS FURTHER ORDERED that The Court shall retain jurisdiction (1) to ensure Defendants' compliance with its promise to pay the settlement amount; (2) for Defendants to re-file their motion for sanctions arising from the mistrial declared on December 12, 2012; and (3) to

1 determine any party's motion for reasonable attorney's fees and/or taxation of court costs as
2 authorized by their settlement agreement. All such post-settlement motions shall be filed within sixty
3 (60) days following entry of the court's order approving this Settlement and Release; provided that the
4 Parties may stipulate to extend this deadline.

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6 Date: August 13, 2013



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UNITED STATES DISTRICT JUDGE